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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED
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CLERK U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
DEPUTY

UNITED STATES OF AMERICA, Plaintiff, v. **Marisa PARIAS-Padilla,** Defendant	Magistrate Docket No. '08 MJ 1230 COMPLAINT FOR VIOLATION OF: Title 8, U.S.C., Section 1326 Deported Alien Found in the United States

The undersigned complainant, being duly sworn, states:

On or about **April 20, 2008** within the Southern District of California, defendant, **Marisa PARIAS-Padilla,** an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT
James Trombley
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 22nd DAY OF APRIL 2008

Jan M. Adler
UNITED STATES MAGISTRATE JUDGE

SLF

CONTINUATION OF COMPLAINT:
Marisa PARIAS-Padilla

PROBABLE CAUSE STATEMENT

On April 20, 2008, Border Patrol Agent E. Brent was conducting primary inspection at the U.S. Border Patrol Checkpoint located on Interstate 8 near Pine Valley, California. This area is located approximately 10 miles east of the Tecate, California Port of Entry and approximately 15 miles north of the United States/Mexico International Boundary.

At about 12:40 P.M., a black Dodge Neon bearing California license plates approached the primary inspection area. Agent Brent identified himself as a Border Patrol Agent and questioned the driver as to his citizenship. The driver would not answer Agents Brent's questions so he was directed to the secondary inspection area for further inspection. The driver followed agent Brent's instructions and stopped in the secondary area.

Border Patrol Agents M. Salzano and M. Jackson followed the vehicle into the secondary inspection area. Agent Salzano identified himself as a Border Patrol Agent and questioned the driver as to his citizenship. The driver did not respond. Agent Salzano order the driver to exit the vehicle and sit on the k-rail in the secondary inspection area with his passengers. The driver was informed a canine inspection would be performed on his vehicle and he was asked if he had anything illegal in the vehicle at this time. The driver again refused to answer any questions.

Agent Salzano stated K-9 BARTEL alerted on the trunk of the vehicle. Agent Jackson opened the vehicle's trunk and observed two subjects in the trunk of the vehicle. Agent Salzano identified himself as a United States Border Patrol Agent and began to question each subject as to their immigration status. Both of the subjects, including one later identified as the defendant **Marisa PARIAS-Padilla,** admitted to being citizens and nationals of Mexico without any immigration documents allowing them to be in or remain legally in the United States.

Agent Jackson identified himself as a United States Border Patrol Agent and began to question the other three passengers in the vehicle as to their immigration status. Each one of the subjects stated that they were citizens and nationals of Mexico without any documents allowing them to be in or remain legally in the United States. At approximately 1:00 p.m., the five individuals including the defendant, were arrested for illegal entry into the United States. All subjects were taken to the processing area for processing.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of her criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to **Mexico** on **August 1, 2006** through **San Ysidro, California**. These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.